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*Attorneys for Defendants State Street Bank and Trust  
Company, Alan Greene, John Stratton and Robert Dame*

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RESERVE MANAGEMENT COMPANY, INC.,	)	NO. 09 Civ. 4346 (PGG)
RESERVE PARTNERS, INC., BRUCE BENT, SR.	)	
and BRUCE BENT II,	)	ECF CASE
	)	
Defendants,	)	
	)	
and	)	
	)	
THE RESERVE PRIMARY FUND,	)	
	)	
Relief Defendant.	)	

**UNOPPOSED EMERGENCY MOTION FOR PROTECTION OF NON-PARTY  
WITNESSES ROBERT DAME, ALAN GREENE AND JOHN STRATTON**

Non-parties Robert Dame ("Dame"), Alan Greene ("Greene"), and John Stratton ("Stratton") (collectively, the "Witnesses") move for protection with regard to their appearance as potential witnesses at a trial set to commence on Tuesday, October 9, 2012 and go on for several weeks, on the following grounds:

1) On or about September 6, 2012, the Defendants issued a subpoena for trial testimony to the Witnesses. The undersigned counsel accepted service on the Witnesses' behalf.

2) The Witnesses reside in or near Boston, Massachusetts and are either current or former employees of State Street Bank and Trust Company.

3) The Subpoenas were issued pursuant to Section 929E of the Dodd Frank Act, which providing for nationwide service of trial subpoenas in SEC actions.

4) Defendants have indicated that Defendants plan to call the Witnesses only if they become necessary, based upon the testimony elicited at trial, as rebuttal witnesses.

5) Mssrs. Dame, Greene, and Stratton are unavailable to testify on several dates during the expected timeframe for the trial of this action, due to pre-paid, non-refundable family or business commitments.

6) In particular, Mr. Stratton is not available on October 22-26, or October 29, 2012. See Declaration of John Stratton, attached hereto as Exhibit A.

7) Mr. Dame is not available on October 11, 12, or 15-17, 2012. See Declaration of Robert Dame, attached hereto as Exhibit B.

8) Mr. Greene is not available on October 30 or 31, 2012. See Declaration of Alan Greene, attached hereto as Exhibit C.

9) Accordingly, the Witnesses seek an order from the Court protecting them against testifying on the dates on which they are not available.

10) Requiring the Witnesses to be available for trial testimony in New York, which requires significant travel time and expense from Boston, on dates where the Witnesses have previously-scheduled commitments would subject them to undue burden and expense.

Moreover, this trial presents the unusual situation of the availability of nationwide service of

subpoenas. In any other type of action, of course, the third party Witnesses would not be amenable to service of process with respect to a trial subpoena and subject to the undue burden of interstate travel. The Court should take the unique burdens placed upon the Witnesses into consideration in deciding this Motion.

11) The SEC does not oppose this Motion.

12) Defendants do not oppose this Motion, so long as the Court permits them to call Mr. Stratton, Mr. Dame or Mr. Greene out of order, if necessary.

WHEREFORE, the Witnesses respectfully request that the Court protect them from appearance at trial on the foregoing dates.

JOHN STRATTON, ALAN GREENE, AND  
ROBERT DAME,

By their attorneys:

/s/ Tara J. Myslinski

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Dated: October 1, 2012

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on October 1, 2012.

/s/ Tara J. Myslinski